

DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO
ATTENTION OF:

April 12, 2001

Regulatory Branch

SUBJECT: Queen's Grant Subdivision, Department of the Army
Application No. 1999-01785(1)

Dennis Boyle
Boyle Properties, LTD
3576 California Road
Suite 101
Orchard Park, New York 14127

Dear Mr. Boyle:

Enclosed are 40 letters I received from the public and commenting agencies in response to your request for a Department of the Army permit. In addition to the attached letters I have also received several telephone calls from local residents, City of Lackawanna Mayor Mr. John Kuryak, and Mr. Ronald Spidone the City of Lackawanna Council member representing the local residents. The telephone comments expressed general concern about the project with an emphasis on local flooding.

Please review the attached letters and provide a written response to the issues raised therein. You should recognize, however, that several of the issues brought to my attention by local residents are not within my jurisdictional authority. Thus, those issues are presented for your information only and will not factor into my decision. Issues that do factor into my decision that should be addressed in your response include:

- 1) The need to discharge fill into jurisdictional wetlands and the permanent loss or alteration of 1.35 acres of wetland habitat;
- 2) Construction of a storm detention basin in jurisdictional wetlands instead of in uplands on the property;
- 3) Increased flooding as it relates to the wetland impacts you propose;
- 4) Possible subdivision design alternatives that would further reduce wetland impacts and losses;
- 5) The appropriateness of the proposed mitigation site in Elma, New York versus any other mitigation alternatives closer to the impact area.

Your response is requested by May 4, 2001. If you do not

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respond, I will assume that you do not dispute the issues raised and will make my decision on your application based on the information contained in the administrative record.

A copy of this letter has been forwarded to: Mr. Donald G. Wilson.

Questions pertaining to this matter should be directed to me at (716) 879-4317, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, or by e-mail at: fred.w.dieffenbach@usace.army.mil

Sincerely,

Fred W. Dieffenbach
Biologist

Enclosures

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CF:

Mr. Donald G. Wilson

Wilson Environmental Technologies, Inc.

Suite 250

1331 N. Forest Road

Williamsville, New York 14221